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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,959	02/09/2001	Glenn S. Hansen	24006	6934

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EXAMINER

LIPMAN, JACOB

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 08/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/780,959

Applicant(s)

HANSEN, GLENN S.

Examiner

Jacob Lipman

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 09 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The examiner has considered the information disclosure statement (IDS) submitted on 5/24/2001.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 1 recites the limitation "identification of a user and authorization for a user" in line 1. It is unclear if there are one or two users in the claim. The limitation is being read as "identification of a user and authorization for the user" in this office action.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5, 8, 9, 11-15, 17-21, and 23-25, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by de la Huerga, US Patent Number 5,960,085.

With regard to claims 1, 2, 13, 18, 23, and 24, de la Huerga discloses a device for providing identification and authorization for a user to interact with a processor (column 6 lines 31-37) including a detector to receive an electromagnetic signal (column 6 lines 42-51), transduce the signal from a transponder reader (transceiver) to electronic (column 6 lines 51-53), and transmit it to the processor (column 12 lines 3-7), where it is compared with a stored approved signal (column 12 lines 16-22), and including a display to display communication from the processor to the user (column 4 lines 59-65).

With regard to claims 3 and 19, de la Huerga discloses sending a signal to the transponder, and receiving one back (column 12 lines 51-57).

With regard to claims 4 and 20, de la Huerga discloses the signal is radio frequency (column 6 lines 48-51).

With regard to claim 5, de la Huerga discloses the display is a video display (column 1 lines 29-33).

With regard to claims 8 and 14, de la Huerga discloses input means (column 12 lines 58-64).

With regard to claims 9 and 15, de la Huerga discloses the input means being a keyboard (column 13 lines 59-64).

With regard to claims 11 and 25, de la Huerga discloses the data transfer from the badge (storage device) to the processor is a wireless communication (column 9 lines 29-30).

With regard to claim 12, de la Huerga discloses the badge only working within a predetermined distance (column 6 lines 51-61).

With regard to claim 17, de la Huerga discloses the processor retrieves data from a database and transmits it to the display (column 7 lines 27-35).

With regard to claim 21, de la Huerga discloses adding a visual scan (retinal scan) as a second verification (column 12 line 58-column 13 line 5).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6, 7, 10, 16, and 22, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over de la Huerga.

With regard to claims 6, 10, 16, and 22, de la Huerga discloses a terminal with input capabilities as outlined above, but does not specifically mention it being a touch screen. The examiner takes official notice that a touch screen is a common, well known, display device with input capabilities built in. It would have been obvious for one of ordinary skill in the art to use a touch screen for de la Huerga's display device to limit the amount of necessary hardware.

With regard to claim 7, de la Huerga discloses a terminal display as outlined above, but does not specifically mention it being a flat panel monitor. The examiner takes official notice that a flat panel monitor is a common, well known, display device with improved visual display. It would have been obvious for one of ordinary skill

in the art to use a flat panel monitor for de la Huerga's display device to make viewing easier.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 703-305-0716. The examiner can normally be reached on 7:00 - 4:00 (M-Th).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703-308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JL


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